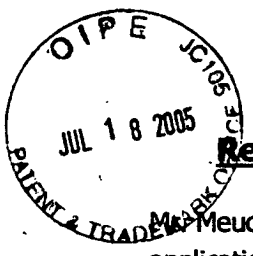
OKANE Only



Response To USPTO Office Action For Application #09/683,228

Mr. Meucci, please refer to the narrative and illustrations as it relates to the differences between application #1 and #2 to help further your understanding of our responses.

On the USTPO Office Action Summary:

- #1, #4, #6 are explained thoroughly in the below responses as well as for in the main narrative in exhibit "B" that depictures the material differences between my first and second applications.
- #10, please refer to exhibits "A"

As for the Detailed Action Summary, I will list my responses according to each line number in the Detailed Office Action Sheet.

#1) The assignee of this application is WebHound Inc. Previously, from 2000 to 2002, it was iJoined.com then to You Shared.com. (please see exhibits "G" and "H") These materials had already been used and disseminated into the public eye in order to raise capital, and operate business.) In the aforementioned point in time, these two companies actually housed the intellectual property based on licensing arrangements between those corporations and Robert OKane. Those agreements are readied if the USPTO needs to see those.

#1, 1iii) We have provided additional materials for you to review that have been disseminated and published online and in person. Please refer to exhibits "B" thru "F" as well as the enclosed floppy disk. Everything the floppy was used in the open marketplace since 2000.

#1 iv, v) Please refer to exhibits "B" thru "F" for this applicable information

#1 vii) Please refer to exhibits "B" thru "G" as well as the enclosed floppy disk. Everything the floppy has been used in the open marketplace since 2000.

#2) Please refer to exhibits "A." We have made the illustration more legible. Please note: Content within the Illustrations did not change.

#3, #4, #5) The subject matter is defined, just not understood by the examiner. If any more questions remain, please refer to Exhibit " C " explaining the differences between the two applications I filed and then the patents mentioned by the patent examiner. Our network resources are specifically centralized in nature. Either way, the technologies are unique stand alone when compared to those patents mentioned by the examiner. The network resources includes a user-centralized server, a content centralized server, an advertising centralized server, and an accounting centralized server each comprising as a vital element to our "network resources." Other elements include: distinct user clients/triggers, content royalty distribution, with entry ways exclusive only for content and advertisers so they insert, delete content, change

preferences at will which automatically update the rest of our network resources. (Centralized servers)

If a correction should be added, as the patent examiner mentions, it should be that our network resources consist of "*Centralized servers working in sync with unique user triggers. The network includes several centralized servers including: a user centralized server, a content centralized server, an advertising centralized server, and an accounting centralized server each comprising as a vital element to our "network resources." Other elements include: distinct user clients/triggers, content royalty distribution, with gateways into the centralized servers exclusively for users, content owners and advertisers so they insert, delete content, change preferences at will which automatically update the rest of our network resources. When these resources are combined, "the network" becomes its own unique, Secure, Centralized Content Distribution, Advertising, and Royalty Distribution platform....*"

#6, #7, #8, #9, #10) Please refer to Exhibit "B", the differences between the two applications are astronomical in nature. 100% different. Application One, with Ricci, was a trigger induced files, whereas in the 2nd applications case, *users are embedded* with unique triggers that when work together with our central servers, provide not only uniqueness between my applications, but the approved patents mentioned by the examiner. We believe that double patenting be avoided as rejection. Ricci was not an author, nor co-inventor to application #2 files by OKane. We believe that any examiner would believe its obvious. Nevertheless, be believe that no obviousness exists between the two applications except for where we mentioned the problems that beset the content distribution industries for which both, unique applications, were filed to combat. But the claims between the two, are not identical in any way. This would be impossible.

#11) Please refer to Exhibit "B", the differences between the two applications are astronomical in nature. 100% different. Application One, with Ricci, was a trigger induced files, whereas in the 2nd applications case, *users are embedded* with unique triggers that when work together with our central servers, provide not only uniqueness between my applications, but the approved patents mentioned by the examiner. We believe that obviousness could be the basis for any rejection of claims.

#12 and #12a) Dutta is a completely different platform, and an entirely different network. The components in the patent application are specific as to the platform and the unique the trigger commands for each USER, using centralized servers. Dutta is not even close to even describing control in his de-centralized environment where each user is the actual originating server. Not only is my application very specific as to how my USERS are embedded with unique triggers that carry out commands between my centralized servers, but they provide for processes not even mentioned in Dutta's de-centralized platform. We are specific as to the platform. Dutta's application is very abstract in nature but yet because of this very specific as to the P2P platform they use.

WE ARE VERY SPECIFIC in all aspects of our components, and trigger mechanisms working with centralized servers. It is our position that nothing is "obvious" as it relates to comparisons between Dutta and our patent application. There differences are many, and are explained very

thoroughly throughout our responses. We did not have their application information back then, it was not accessible. Even if we did, we created a secure centralized P2P or Internet based platform network that is 100% different than

The patent examiner mentions under #12 that "a user of a upload client that authors"--- That specifically describes a decentralized setting where everyone can author content. (this is why the music industry shut down the old Napster, Gnutella, and numerous of other P2P platforms as describes in Dutta and the other approved patents the examiner mentions. With OKane's applications, users cannot author content. Only content owners. Users can only access the content off the CENTRALIZED Content server. Again, our unique client triggers control the functions on the central servers.

As for the last paragraph in #12, we believe this reference should not be there being we are clearly showing the differences in what Smith and Dutta offer vs. what it is we offer. They are 100% different in every aspect, both technologically and patent application wise.

#12b) Again, different platforms., different mechanisms, components and actions. Our actions between the components and through our platform are specific; the approved patents mentioned by the patent examiner do not even go into the specifics as it relates to their platform that is 100% different from OKane's claims.

#12c) Patent examiner mentions "the user of an upload client" -- Our users, again, do not UPLOAD content nor are their hard drives exposed to members using the same client within a de-centralized P2P environment. In addition, its impossible for a user to upload on to a centralized server not governed by them, or their clients, as described in Dutta, Smith, Fanning and Goldberg. This, combined with the fact that the patents that were approved, mentioned by the examiner, are 100% different in every aspect to OKane's, clearly shows both technologically and patent application wise, two entirely different platforms, and processes within.

The patent examiner then discloses "Likewise, the users of a download client may be purchasers of such content. In another exemplary embodiment, the user of a upload client and the user of a download client may be both employed by the same enterprise, and the charge system may be used to allocate...." What the patent examiner failed to realize, that this concerns a de-centralized P2P environment where the users EXPLICITLY use the same uploaded or downloaded client. As our applications and platform relates to this paragraph, that s not the case. Each client is unique, the client works in a completely different environment than in all of the approved patents the examiner mentions. Each client, moreover, is pre-programmed to each specific user. No clients are the same. Parity is provided between the users, unlike Dutta, Smith, Goldberg, Fanning and the other approved patents mentioned by the examiner. Each user's client has PRE-PROGRAMMED unique triggers that work in a secure, centralized environment as well.

POINT TO NOTE: The examiner in the final paragraph makes note that "File content management may be configured to track such charge and credit data so as to allow tracking of overhead costs..." Again another glaring example of a de-centralized P2P setting. There is no accountability. One main reason the Supreme Court has ruled these de-centralized P2P's are

illegal, is because they made no money. The ad's covered "overhead costs" but did not pay royalties, nor track royalties, for circumvention and "use" of files like in OKane. Again, the files obtained by users in the patents approved mentioned by the patent examiner are not authentic, or licensed to every single user of, say, Gnutella. Our platform, with the use of the central servers and our unique components and processes, create not only a Legal atmosphere, but one that is technologically different in every aspect when compared to the approved patents mentioned by the examiner. In saying this, we do not concur that obviousness is a factor when it relates to OKane application and the approved patents mentioned by the examiner.

#12d) Even though Dutta is 100% patent and technology is different from OKane's, OKane at least provides the specifics as to how his components and central servers work within his environment. From user acquisition, user storage, content distribution, and content royalty distribution, to our advertising module--- we are 100% different. Dutta (and the rest of the approved patents mentioned by the examiner are two entirely different platforms.

The examiner also mentions "*in the case of wireless connections, parts of the network can still be considered connected so long as the wireless connected part of the network recognizes and is recognized by at least one other part of the network.*" Again, for starters, the platforms are 100% different. Additionally, this would and could never be the case with our platform. All of our wireless connections that are made thorough a centralized server who authenticates the actual user, and all of the processes in between. Thus, its inherent the clients' unique triggers on their cell phone device dictate central servers as it would if the user was using his computer. Our central servers are able to use one client for each user. Dutta fails to show or teach anything remotely close.

#12e) Dutta merely teaches the distribution of files over a de-centralized platforms, whereas users are able to upload and download in a de-centralized environment. That alone, is a major material difference as it relates to OKane's claims. To go further, OKane's centralized server only makes ready files that are actually inserted into our centralized content server which user access through their unique client in a secured Internet based or P2P platform. See Exhibit "E". Dutta, as it relates to their platforms, do not even offer this control to owners; rather they make every users server or hard drive acts as a clearinghouse that inventories files on each users hard drive. Our content is authentic. Our platform is legal as well.

#12f) Please refer to our responses in #12, a thru e.

#13) The patent examiner mentions OKane's claims 2-12 as being un-patentable due to Dutta, Smith and Sankaranaryan. As mentioned previously, all of these approved patents fail to show centralized platforms, plus there not specific with how ad's are played in their de-centralized setting. OKane's claims are very clear and precise and would, technologically, only work within a centralized environment with all of the components working side by side.

The last paragraph of #13, the examiner mentions ordinary skill, etc.. Our applications, our centralized servers and so forth were not at the time, nor are they even today. For example, within our centralized, secure environment, our triggers that are pre-programmed into each

user's client are assigned and work only when the centralized servers are in place. Our specific processes are outlined accordingly as it relates to our unique platform. The ordinary skill would be the patents mentioned by the examiner. All of the patents that were already approved, that the examiner refers to, uses the basic underlying principles of P2P, and simply cannot not even come close to comparing to OKane's. Moreover, the "claims" mentioned in the approved patents will not work technologically in a decentralized environment. Napster, Gnutella and other similar P2P environments all contain elements found in the referenced approved patents.

Please refer to Exhibit "B" re: the Napster articles.

In condemning the online music-trading company for failing to prevent copyright violations, a three-judge panel from the 9th U.S. Circuit Court of Appeals in San Francisco said Monday that Napster must police its own networks "within the limits of the system." Being an illegal network which encourages the circumvention and use of unauthorized files, they should be accountable for the loses copyright holders have. All along, Napster's attorneys have argued that it is impossible to monitor the service's networks on a scale wide enough to satisfy the plaintiffs, the recording industry's major labels. Even the appeals court appeared to give the company and similar services some room to maneuver in this task, saying: "Here, we recognize that this is not an exact science." In my invention, the scale is limitless, and the content owners have 24/7 access to their content and our secure centralized P2P or Internet based network/platform. Nobody can provide this. Its interesting to see Napster lawyers even admit that de-centralized P2P models are impossible to track activity of users, content, and royalty distribution. My applications cover all these aspects and eve throws in an entirely brand advertising medium that when plugged into the centralized environment, makes for the all around, accepted, legal and most of unique P2P or internet based network or distribution platform.

OKane's claims, application and technology are "legal" and 100% different from the approved patents the patent examiner refers to including Piaz in the final paragraph of #13. Like the platforms, the advertising component, processes and ultimate actions are 100% different than to Piaz's. Piaz also fails to disclose the components for his unique, de-centralized environment. OKane makes clear reference to his claims as it relates to his unique secure, centralized version of this Internet based or P2P based content distribution platform. It is also for these reason we do not concur with the "ordinary skill" line mentioned by the patent examiner.

#14) The examiner is mentioning bandwidth sharing and file allocating based on who has the best connection, etc., for those in a de-centralized P2P setting. OKane is not trying to establish P2P bandwidth sharing of content within a de-centralized P2P environment. In short, even though OKane is not trying to patent bandwidth sharing with his claims, it should be inherent that his users could, if they desired, locate an authentic file within our USERS centralizes server platforms. As mentioned previously, OKane's platform, components and processes are 100% different from those referenced to by the patent examiner. OKane, moreover, is even very specific as to how all of these components work together within the patent applicants. All of the patents mentioned by the examiner fail to even do that in their respective platforms and network resources, the info they provide is very obvious to one in the field, and abstract in nature, unlike

OKane's unique applications which include his components, specific processes and much more all within HIS UNIQUE environments.

#15, #15a) Our applications, all within our centralized, secure environment, allows for users of OKane's platform to acquire content only with clients that pre-programmed with unique triggers only allows recognized clients with triggers to access the centralized servers. Again, in all of the other approved patents mentioned by the examiner, user clients are the same and each users server, computer or hard drive acts as its own distribution server. OKane's are 100% different. OKane's processes, components and content/advertising/royalty distribution systems can only work within a centralized setting. OKane's processes, components and content/advertising/royalty distribution systems WILL ALSO work within a de-centralized environment as mentioned. But even if it did, OKane's claims as to his components, network environment, etc., are specific for either environment, unlike the other approved patents (Dutta, Smith, Fanning, Goldberg, etc) mentioned by the examiner. OKane's specific processes are outlined accordingly as it relates to our unique platform.

The ordinary skill would be the patents mentioned by the examiner. All of the patents that are already approved, that the examiner refers to, uses the basic underlying principles of P2P, and simply cannot not even come close to comparing to OKane's. Moreover, the "claims" mentioned in the approved patents will not work technologically in a decentralized environment. Napster, Gnutella and other similar P2P environments all contain elements found in the referenced approved patents.

#15b) As to the first paragraph in #13b, OKane's platform is very, very specific as to the centralized environment and actions that take place within the centralized servers. Moreover, within OKane's unique environment, OKane's claims for the advertising component, its makeup and actions are very different than from what Dutta or even Goldberg described or "taught" in their applications. In the last paragraph, the examiner mentions "it is inherent that a user can select the advertisement from a purality of advertisement. If multiple advertisements are displayed, the user must make a selection as to which advertisement they would like to view from the plurality of advertisements." This is a completely different platform for one, and the actual advertisement distribution components and processes are so, so unique to the others. Again, certain events must take place even before the user gets to the select an ad mode. And each of those events are 100% materially different than the other approved patents mentioned by the examiner. OKane's claims and the content in the overall patent application makes specific claims as to the way the advertisements are: (also refer to Exhibits "D" and "F")

- Inserted and even managed within our environment,
- The way the ad's are disseminated (accessed and delivered) across and between our users,
- The use and consequence of the ad use, how those actions trigger other processes with royalty computation and distribution, and much more.
- It even claims "users will not the same ad twice" and guarantees participating advertisers that our users will see and act upon the ad's they decide to select, which were already pre-determined using the users preferences which were programmed into the users unique client and subsequent triggers.

Goldberg fails to even come close to describing the specific actions within his claims as it relates to his environment which again, on top of it all, 100% different that OKane's. Thus we do not concur with the obvious and ordinary skill comments made by the examiner. All of the patents that are already approved, that the examiner refers to, uses the basic underlying principles of ad delivery which dates back to banner advertising, and simply cannot not even come close to comparing to OKane's. The ad distribution and management component of OKane's platform are unique to any other patent or application pending. The approved patents mentioned by the examiner are a) de-centralized, b) ILLEGAL, and c) 100% different OKane's application(s).

16) Again, were 100 % different from all of these applications? Moreover, specifically:

Beckerman does not even do that for their environment. In fact, as describes in the earlier narrative, all the approved patent applications are 100%, without a doubt different in every single way. While its nice to claim automatic rollover for streaming media, that works for them. It does not cover our platform, or any type of roll over that our system uses. Centralized and decentralized rollovers are 1000% different. Then from there, the examiner must consider that we go into the process of a roll over in OUR SPECIFIC ENVIROMENT.

Fanning's patent is clearly a de-centralized environment. Both of OKane's applications are 100$% than Fanning's. Moreover, were legal. See Exhibit "B"

IBM's patent? Shows only that their patent applies to those how "cache files" on each users hard drive through the same client used by all users within their network. Our authentic files, reside on central servers, which are only accessible to participating content owners who are able to control their content 24/7. (Refer To Exhibit "E")

Far cry from IBM, Fanning, Goldberg, Dwek, Dutta, Smith, Harvey and Henrick.